

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

LINWOOD EDWARD TRACY, JR.; et al.,
Plaintiffs,

v.

CEO, SUCCESSOR FOR DEUTSCHE
NATIONAL TRUST COMPANY; et al.,
Defendants.

3:11-cv-0436-LRH-VPC

ORDER

Before the court are plaintiff Linwood Edward Tracy, Jr.'s ("Tracy") motions to amend his complaint. Doc. ##149, 150, 152.¹

I. Facts and Background

At its core, this is a wrongful foreclosure and wrongful taxation action. Plaintiff William Gerald Fillion ("Fillion") owned real property in California which was subject to state, county, and city tax assessments. The tax assessments went unpaid and eventually the property was foreclosed upon.

On June 21, 2011, plaintiffs filed a civil rights complaint against defendants for violation of their First and Fourth Amendment rights. *See* Doc. #1. In particular, plaintiffs challenge the tax assessments and foreclosure claiming that the property belonged to a non-profit organization. In response, defendants filed a series of motions to dismiss which were granted by the court.

¹ Refers to the court's docket number.

1 Thereafter, Tracy filed the present motions to amend his complaint.

2 **II. Discussion**

3 A party may amend its pleadings after a responsive pleading has been filed by leave of
4 court. FED. R. CIV. P. 15(a)(2). Leave of court to amend should be freely given when justice so
5 requires and when there is no undue delay, bad faith, or dilatory motive on the part of the moving
6 party. *See Wright v. Incline Village General Imp. Dist.*, 597 F.Supp.2d 1191 (D. Nev. 2009); *DCD*
7 *Programs, LTD v. Leighton*, 883 F.2d 183 (9th Cir. 1987).

8 Here, Tracy seeks to add additional claims against the already dismissed defendants and to
9 add additional defendants to this action. *See* Doc. ##149, 150, 152. However, Tracy has failed to
10 provide a copy of the proposed amended complaint in accordance with LR 15-1. Further, the court
11 has reviewed Tracy's motions and finds that they are untimely as they have been brought more than
12 six months after most defendants have been dismissed. Finally, the court finds that allowing an
13 amended complaint adding additional claims would unduly prejudice those defendants that have
14 already been dismissed. Accordingly, the court shall deny Tracy's motions to amend.

15
16 IT IS THEREFORE ORDERED that plaintiff's motions to amend (Doc. ##149, 150, 152)
17 are DENIED.

18 IT IS SO ORDERED.

19 DATED this 5th day of July, 2012.



20
21 LARRY R. HICKS
22 UNITED STATES DISTRICT JUDGE
23
24
25
26